WP(C) 3613/2007

BEFORE

THE HON'BLE MR JUSTICE I.A.ANSARI

Heard Mr. MH Rajbarbhuiyan, learned counsel for the petitioner, and Mr. Roy, learned Additional Sr. Govt. Advocate, appearing on behalf of the respondents.

On the basis of the pleadings in the writ petition and the report, which has been submitted by the Deputy Commissioner, Karimganj, in compliance with this Court's directions contained in the order, dated 25.07.2007, passed in this writ petition, what emerges is that the Government has sanctioned Rs. 5 lakhs for the financial year 2006-2007 for construction of a community hall at Eraligool Bazar and pursuant to the scheme, so sanctioned, the first installment of Rs.3 lakhs has reportedly been released by the Director, Boarders Areas Development Department, Govt. of Assam, in the name of the Block Development Officer, Patherkandi, for execution of the work. While it is the case of the writ petitioner that a Construction Committee was constituted and approved by the Block Development Officer, Patherkandi, on 16.07.2007, for construction of the said community hall and that construction work has progressed under the supervision and control of the said Committee, the contention of the Block Development Officer, Patherkandi, is that since such scheme, in question, is not of Rural Development Department, but of the Border Areas Development Department, the petitioner, as President of Patharkandi Anchalik Panchayat, cannot have any control on the execution of the scheme, for, the scheme, according to Block Development Officer, Patherkandi, is not a scheme meant for the Panchayat, but a special scheme for Boarders Areas Development under special Central assistance. It is also the contention of the Block Development Officer, Patherkandi, that he has not formed any Construction Committee so far and, hence, he is not liable to pay for any work, which might have been done by a Committee as asserted by the petitioner.

Considering the matter in its entirety and in the interest of justice, this writ petition is disposed of with direction to the respondent No.3, namely, Deputy Commissioner, Karimganj, to make an enquiry into the matter and pass appropriate order(s) as may be permissible in law and communicate the same, in writing, to the petitioner. The whole exercise, so directed, shall be completed within a period of three weeks from the date of receipt of a certified copy of this order by the respondent No.3. The petitioner shall furnish to the respondent No.3 a certified copy of this order along with copies of the writ petition and annexures thereto. If the petitioner feels aggrieved by the decision, which may be arrived at by the respondents/authorities concerned, or the order(s), which may be passed by the respondents/authorities concerned, the petitioner shall be at liberty to take recourse to such provisions of law as may be permissible.